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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,269	09/18/2003	Glenn Ballman	001-235	2268
29569	7590	12/26/2006		
JEFFREY FURR 253 N. MAIN STREET JOHNSTOWN, OH 43031			EXAMINER YOO, JASSON H	
			ART UNIT	PAPER NUMBER
			3714	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/26/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/605,269	Applicant(s) BALLMAN, GLENN	
	Examiner Jasson Yoo	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Oath/Declaration

Applicant's name and signature does not match. See section 602 in the MPEP.

Furthermore, electronic signatures must be personally inserted with a first single forward slash mark before, and a second forward slash mark after, the electronic signatures (e.g., /Dr. James T. Jones, Jr./). See MPEP Patent Rules for signatures.

Specification

The abstract of the disclosure is objected to because the abstract should be on a new page (separate from the title). Correction is required. See MPEP § 608.01(b).

Claim Objections

Claim 1 is objected to because of the following informalities: "A securities system comprising: 1. A system" in page 1, lines 1-2, should be --1. A securities system comprising: a system--. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-19 are rejected under 35 U.S.C. 101 because the claimed invention is not the claimed invention is directed to non-statutory subject matter. Claim 1 claims a system that has a plurality

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of people represented by shares and securities. Claims directed to a person or people are not statutory. The Examiner will assume the claimed invention is a security system comprising a plurality of shares and traded securities representing people.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9-13, 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Eckert et al (US 2002/0077961).

Eckert discloses the following:

Claim 1. A securities system comprising: a system that has a plurality of people represented by shares and traded like securities (abstract, paragraphs 14, 15).

Claims 2, 3, 4. The people are sports figures, entertainment figures, and politicians (performers, celebrities, professional athletes, actors, musicians and authors, paragraphs 12)

Claims 5, 11. A data processing system (Fig. 1 and paragraph 23).

Claims 6, 11. The system is processed in a client server system (client 40 in Figs. 3, 5, paragraph 84).

Claims 7, 13. The system is connected to through the Internet (Fig. 5).

Claims 9, 15. A system comprising:

- (a) computer processor means for processing data (12 in Fig. 1);
- (b) storage means for storing said data on a storage medium (18 in Fig. 1);
- (c) communication means for transmitting data in a secure environment to and from various remote locations (14 and 16, in Fig. 1, and paragraph 24); and
- (d) computer software means for creating and displaying trade data concerning a particular trade in the form of a trade record (paragraphs 23, 25, 27).

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Claims 10, 16. The computer software means further comprises: means for inputting and storing system information on said storage means (paragraphs 23 and 24).

Claim 17. The system is set up as a game (Eckert discloses a system for trading in a security is used for entertainment, paragraph 6).

18. The game awards prizes based on performance of said securities (awards money, paragraphs 14 and 15).

19. The dividends are awarded based on measurable performance of said people (measured on income, paragraphs 14 and 15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckert et al (US 2002/0077961) in view of Binney (US 2002/0107073).

Eckert significantly discloses the claimed invention as discussed above. However, Eckert fails to teach the system is connected to wireless devices. In an analogous art interactive gaming systems using statistics of people, Binney discloses a gaming system for playing fantasy sport in

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which the system is connected to wireless devices (paragraph 20). Wireless devices allow portable devices such as PDA and laptops to access the Internet, and remotely interact with the gaming system. Therefore it would have been obvious to one in ordinary skilled in the art at the time the invention was made to modify Eckert's system and incorporate Binney's wireless device in order to access the Internet and remotely interact with the gaming system.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bowie Bonds – Wikipedia, http://en.wikipedia.org/wiki/Bowie_Bonds; discloses shares and securities of an entertainment figure offered to private investors.

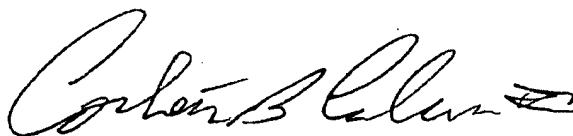
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olszewski Robert can be reached on (571)272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JHY

A handwritten signature in black ink, appearing to read "Corbett B. Coburn", followed by a stylized flourish or checkmark.

**CORBETT B. COBURN
PRIMARY EXAMINER**